



An  
Bord  
Pleanála

## Inspector's Report

### ABP-320880-24

#### Development

Retention and alterations to development of dormer dwelling.  
Permission for demolition and removal of rear north elevation wall and flat roof and its replacement with a reduced height pitched roof; installation of ground floor bedroom window and installation of flood protection gates, together with all associated site works.

#### Location

Roseville Cottage, 60 Commons Road, Dublin 18, D18 NXR6

#### Planning Authority

Dun Laoghaire Rathdown County Council

#### Planning Authority Reg. Ref.

D24A/0492

#### Applicant(s)

Conor Goff.

#### Type of Application

Retention and Permission.

#### Planning Authority Decision

Refuse permission

#### Type of Appeal

First Party

<b>Appellant(s)</b>	Conor Goff.
<b>Observer(s)</b>	Catherine Cooney & Kilian Plunkett Commons Road Residents Group
<b>Date of Site Inspection</b>	2 <sup>nd</sup> January 2025.
<b>Inspector</b>	Oluwatosin Kehinde

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## **1.0 Site Location and Description**

- 1.1. 'Roseville Cottage', the appeal site has a given area of 0.085ha. The site contains a detached dwelling with the site's main boundaries adjoining Loughlinstown Wood/Commons. This dwelling backs onto the public amenity space of Loughlinstown and its main amenity space is in the setback area to the front of the dwelling house and the Loughlinstown/Shanganagh River bank to the immediate south.
- 1.2. Access to the site is via a bridge that crosses over the Loughlinstown River. The southern side of Common's Road is characterised by residential development of varying architectural styles, periods and built forms.

## **2.0 Proposed Development**

- 2.1. Planning permission is being sought for retention and alterations to development of part dormer dwelling with two storey extension to north rear side and single story extension on west side with open canopy over entrance door. Permission for Demolition and removal of the second storey rear north elevation wall and flat roof and its replacement with a reduced height pitched roof, demolition and removal of the flat roof and roof garden to the ground floor extension to the west side of the building and its replacement with a pitched roof and pergola. Installation of new ground floor bedroom window to the east wall and a new rooflight over the master bedroom. Execution of new flood defence works including installation of flood protection gates.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The Planning Authority (PA) refused permission for the development by reason of risk to flooding.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Report**

- The decision to refuse permission by the PA was informed by the report from the Planning Officer (PO). The report dated 27<sup>th</sup> August 2024 considered the development in terms of the principles, flooding, residential amenity and visual impact. The PO had concerns that the development would adversely impact on downstream properties because the site is located wholly within Flood Zone A. The PO considered that the development would not be in accordance with the County Development Plan and accordingly, planning permission was refused.
- The PO concluded that having regards to the nature, scale and location of the development, there was no real likelihood of significant effects on the environment arising from the development. Therefore, the need for environmental impact assessment can be excluded at preliminary examination and as such a screening determination was not required.
- The PO also carried out an AA screening exercise and determined that the development would not significantly impact upon a Natura 2000 Site.

### 3.2.2. Other Technical Reports

- DLR Drainage Planning – Report dated 23<sup>rd</sup> August 2024 recommended a refusal.

### 3.2.3. The development was refused for the following reason:

- The subject site is located within the catchment of the Loughlinstown/Shanganagh River Stream, and within Flood Zone A of the Office of Public Works (OPW) Catchment Flood Risk Assessment and Management (CFRAM) final flood maps. In accordance with Section 6.2.10 of Appendix 15 of the County Development Plan 2022-2028, the CFRAM Study outputs indicate possible flood depths up to 2m and therefore Part 3 cannot be passed at present. Until a Flood Relief Scheme to the 1.0% AEP event standard is complete, any development in Flood Zone A is not permitted. The development proposed for retention within Flood Zone A would not, therefore, accord with the Strategic Flood Risk Assessment, in particular Sections 6.2.10, of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 and would also be contrary to Policy Objective EI22: Flood Risk Management.

The development proposed to be retained is located in an area which is at risk of flooding and would, therefore, if permitted be contrary to the proper planning and sustainable development of the area.

### **3.3. Prescribed Bodies**

No received on file

### **3.4. Third Party Observations**

The PA received a number of third party submissions and the issues raised are summarised as follows:

- The site is in Flood Zone A
- The existing property was derelict and the development should be considered a new build
- Existing structure was built without a valid permission and would contravene the County Development Plan.
- Existing removable flood barriers at site entrance could cause flooding to neighbouring properties.
- Flood defence plans have not been finalised
- Incorrect information provided by the applicant
- Accuracy of the drawings provided.

## **4.0 Planning History**

PA Reg. Ref D22A/0310 – Permission refused by the PA for retention of part dormer dwelling with two storey extension on rear and single storey extension on side with roof garden above, with open sided canopy above front door to house.

The PA decision was appealed to An Bord Pleanála under Ref: ABP 314055-22 and subsequently refused by the Board.

PA Reg. Ref D21B/0709 – Permission refused for part dormer dwelling with two storey extension on rear and single storey extension on side with roof garden, with open sided canopy above front door.

PA Reg. Ref 314/84 – Permission granted for an access bridge.

## **5.0 Policy Context**

### **5.1. National Policy**

The Planning System and Flood Risk Management Guidelines, 2009, is of particular relevance to this case. It sets out the following key principles:

- Avoid the risk, where possible – precautionary approach.
- Substitute less vulnerable uses, where avoidance is not possible.
- Mitigate and manage the risk, where avoidance and substitution are not possible.

In relation to Flood Zone A land, it sets out that this has the highest probability of flooding, Zone B has a moderate risk of flooding and Zone C (which covers all remaining areas) has a low risk of flooding.

The sequential approach should aim to avoid development in areas at risk of flooding through the development management process.

An appropriate flood risk assessment and justification for development in and management of areas subject to flooding and adherence to SUDS is recommended. This document sets out how to assess and manage flood risk potential and includes guidance on the preparation of flood risk assessments by developers. This has regard Screening Assessment, Scoping Assessment and Appropriate Risk Assessment. It provides that only developments which are consistent with the overall policy and technical approaches of these Guidelines should be permitted.

### **5.2. Development Plan**

- 5.2.1. The relevant Development Plan is the Dun Laoghaire Rathdown County Development Plan 2022-2028. The site is zoned 'F' residential with the objective to: "preserve and provide for open space and ancillary active recreational amenities". The site is also located within the boundaries of pNHA Loughlinstown Wood and the site is located within the Shanganagh River catchment which is designated 'Flood Zone A' (Map 10). In addition, the site is subject to a Development Plan objective "to protect and preserve Trees and Woodlands".

- 5.2.2. Section - 4.3.1.2 Policy Objective PHP19: Existing Housing Stock - Adaptation states that it is a policy objective to: *“conserve and improve existing housing stock through supporting improvements and adaption of homes consistent with NPO 34 of the NPF. Density existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods”*.
- 5.2.3. Section 8.7.1.1 - Policy Objective GIB18 of the Development Plan sets out that it is a Policy Objective: *“to protect and conserve the environment including, in particular, the natural heritage of the County and to conserve and manage Nationally and Internationally important and EU designated sites - such as Special Protection Areas (SPAs), Special Areas of Conservations (SACs), proposed Natural Heritage Areas (pNHAs) and Ramsar sites (wetlands) - as well as non-designated areas of high nature conservation value known as locally important areas which also serve as ‘Stepping Stones’ for the purposes of Article 10 of the Habitats Directive”*.
- 5.2.4. Section 10.7 deals with the matter of Flood Risk.
- 5.2.5. Policy Objective EI22 of the Development Plan states: *“it is a Policy Objective to support, in cooperation with the OPW, the implementation of the EU Flood Risk Directive (2001/60/EC) on the assessment and management of flood risks, the Flood Risk Regulations (SI No 122 of 2010) and the Department of the Environment, Heritage and Local Government and the Office of Public Works Guidelines on ‘The Planning System and Flood Risk Management’ (2009) and relevant outputs of the Eastern District Catchment and Flood Risk Assessment and Management Study (ECFRAMS Study). Implementation of the above shall be via the policies and objectives, and all measures to mitigate identified flood risk, including those recommended under part 3 (flood risk considerations) of the Justification Tests, in the Strategic Flood Risk Assessment set out in Appendix 15 of this Plan”*.
- 5.2.6. Section 12.3.7 of the Development Plan deals with the matter of Additional Accommodation in Existing Built-up Areas.



### **5.3. Natural Heritage Designations**

The site is located within Loughlinstown Wood pNHA (Site Code: 001211) and Rockabill to Dalkey Island SAC (Site Code: 003000) is located approximately 2.2km north east of the appeal site.

The site is also located approximately 750 meters south west of Dalkey Coastal Zone And Killiney Hill pNHA (Site Code: 001206)

### **5.4. EIA Screening**

5.4.1. Reference is had to Appendix 1- Form 1 (EIA Pre-Screening) attached to this Report.

Having regard to the nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- The applicant refers to the national guidelines on flood risk management and submits that the extension to be retained is a minor development involving small extensions and unlikely to raise significant flooding issues.
- Its is submitted that neither the DLR Water Services department nor the PA made any specific reference to the S.28 guidelines on flooding.
- The applicant notes Section 5.2.1 of Appendix 15 and submits that anyone reading the development plan would be entitled to be of the view that minor development including extensions are unlikely to raise significant flooding issues.
- The applicant submits that Section 5.28 of the flood management guidelines now include small scale infill and states that the S.28 guidelines take precedence over the DLR development plan.

- It is stated that the development does not represent an infill development but relatively minor extensions to an established dwelling.
- The applicant refers to case that involved alterations to an existing dwelling house where the Board allowed minor development to proceed in a flood risk area on the basis of S.5.28 of the guidelines.
- It is submitted that the minor size and scale of the existing/proposed extensions are unlikely to have any significant impact on the pNHA.

## **6.2. Planning Authority Response**

- The PA referred the Board to the PO report and considered that the grounds for appeal has not raised any new matter which, in the opinion of the PA, would justify a change of attitude to the development.

## **6.3. Observations**

- The cottage has been derelict for over fifteen years and the site is in an area designated as Flood Zone A.
- The dwelling is an unauthorised development and be considered as a new build in a flood zone.
- It is submitted that the development is not minor but a new building in Flood Zone A.
- It is stated that that the flood risk assessment report submitted by the applicant fails to address that the site is in Flood Zone A. it also fails to acknowledge that the previous building was derelict and uninhabitable.
- The entrance to the site is the only break to the flood defence walls along the north side of Commons Road.
- The development on the site may impact the Flood Relief Scheme planning and implementation. This could negatively impact on the valuation of the neighbouring houses.
- The applicant refers to works outside their control. There is no detail of the proposed works about flood defence works in the application.

- It is submitted that the case referenced by the first party appeal is not relevant as the site mentioned in the case is not in Flood Zone A and that the case related to alterations to existing house not a new build.
- It is stated that incorrect information was supplied by the applicant.

## 7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Procedural and Site History
- Principle of Development
- Flooding
- Impact on Loughlinstown Wood pNHA
- Other Matters – Residential amenity and Visual Impact

### 7.2. Procedural and Site History

- 7.2.1. I note that the development being sought is substantially the same as that considered under a recent appeal case ABP 314055-22 where the Board refused permission on the grounds of flooding. The Board determined that in the absence Site-Specific Flood Risk Assessment and a Justification Test for development management, it was not satisfied that the development would not increase flood risk. I note the inspector's assessment of the previous case and the issues raised therein are still of relevance to this application.
- 7.2.2. The application is for the retention of a development with alterations to same and I note that the development description is not the same on the documentation submitted. The description in the newspaper notice differs from the one in the site notice. I also note in the drawings submitted that retention of a canopy structure to the front of the building is proposed. Upon site visit, I observed that there is no canopy structure present on the front of the building. I also note that the dormer windows to the front and a number of windows on the front elevation are not accurately presented in terms of their profiles, height and finishes.

- 7.2.3. It would appear that the applicant seeks both retention permission and planning permission. The retention element of the application is the same development as that refused under PA D22A/0310 (ABP 314055-22) and PA D21B/0709. The demolition and alterations to the house are the new works to be carried out. Having regard to the site history and on the basis of all available information, I consider that the house known as 'Roseville Cottage' on the appeal site was in a state of disrepair and not habitable prior to the works being carried out on site.
- 7.2.4. I am of the opinion that what remained of 'Roseville Cottage' was substantially and/or completely demolished to facilitate the current dwelling on site including the provision of a second floor level and increased footprint. Works were carried out to erect a habitable dwelling on the site and there are still concerns that a material change of use has occurred on the site. I refer the Board to the previous case ABP314055-22 and note the inspector's assertion that the applicant has not stated a material change of use has occurred in tandem with the works carried out. The inspector stated that *"It is of concern that there is no mention to the material change of use that has occurred in tandem with the works that have been carried out, that is to say permission for retention of habitable use on a site where this use has been abandoned for a significant period of time"*. The inspector went on to note the interpretation of a Habitable House as provided by the Planning and Development Act, 2000, as amended. The inspector concluded that *"A structure which would appear to have been significantly demolished to facilitate the habitable dwelling that is now present on the site"*. I agree with the inspector assessment and I also consider that the development description should have included permission for retention of habitable use on a site where the use has been abandoned for a significant period of time.
- 7.2.5. The First Party appeal in their submission stated that the development consisted of "minor extension to an established dwelling". I do not agree with this statement as the applicant has not provided any information to support the claims that the dwelling is established. From all available documentation submitted, there is no evidence to clearly demonstrate in this application or the previous case the property was not derelict prior to the works being undertaken.
- 7.2.6. Having regards to the above, I consider that 'Roseville Cottage' was not used as a dwelling for a significant period of time before the works took place. Accordingly, a

material change of use is required to be expressed as part of the development description.

- 7.2.7. The Board should note that under the appeal ABP 314055, the inspector made reference to substantial case law regarding material change of use for sites that have been abandoned for a significant period. These references remain relevant to this appeal.

- 7.2.8. Dublin City Council v. Tallaght Block Co. Ltd

In this case it was determined that a use of land can be abandoned and that a change of use will occur when an abandoned use is recommenced. The following comment made by Hederman J: *“where a previous use of land has been not merely suspended for a temporary period and determined period, but has ceased for a considerable time, with no evidenced intention of resuming it at any particular time, the tribunal of fact was entitled to find that the previous use had been abandoned, so that the resumption constituted a material change of use.”*

- 7.2.9. Cork County Council v. Ardfert Quarries Ltd.

In this case a site had been used as an animal food processing plant during the years of 1953 to 1966. It has then been vacant from 1966 to 1970 and at some point in 1970 it was used to manufacture and store tyres. With this use ceasing in 1974. The High Court held that the use of the premises as a general industrial building from 1953-1956 had been abandoned by its none use from 1966-1970. Murphy J stated: *“having regard to the elapse of time and the absence of any satisfactory explanation therefore, I must conclude that the use as of the operative date was subsequently abandoned.”*

- 7.2.10. Meath County Council v. Daly

In this case the High Court held that the resumption of the use of premises which had been used for car repairs and petrol sales pre-1964, after that use had been abandoned since 1964 from time to time by the user of the premises for other purposes, and particularly by its user from 1969 for some years by a double-glazing company, was a material change of use.

- 7.2.11. Having regard to the above, prior to any grant of permission revised public notices are required to state that a material change of use in planning terms has occurred at this site.

7.2.12. The applicant also stated in their development description to execute new flood defence works including installation of flood protection gates. From the documentation supplied with the application, the applicant has not provided details of the flood defence works other than their intention to provide a flood barrier gate across the entrance of the site. The Kavanagh Mansfield & Partners report show flood defence works and it would appear these works are to be carried out by the Office of Public Works (OPW) flood relief scheme in conjunction with Dun Laoghaire-Rathdown County Council. These works are outside the remit of the applicant and I consider that it should not have been included as part of the development description.

7.2.13. I also note that the development description in the newspaper notice also reads “retention and alterations to development of part dormer dwelling” and I consider that this statement is at odds with the documentation supplied by the applicant. If the applicant seeks to “retain the development of part dormer dwelling” there are no details and/or drawings supplied in the application to demonstrate the condition of the site and its use before the retention works were carried out. Anyone reading the notice can safely assume that any structure on site was not in a habitable state. I therefore consider that the existing drawings of ‘Roseville Cottage’ supplied by the applicant (Drawing No. 6660-01) not to be reflective of the existing structure(s) on site before the retention works.

7.2.14. Given the above procedural concerns I am of the view that the Board is still precluded from granting permission for the development sought under this application in the absence of seeking new public notices. To fully make an informed examination of the development sought on the site, a suite of accurate drawings and documentation are necessary.

### 7.3. Principle of Development

7.3.1. As stated above, the First Party submitted that the development is a “minor extension to an established dwelling”. I do not accept that the development being sought relates to extensions to an established dwelling and consider that the development relates to the provision of a habitable dwelling at a location where there was an abandonment of use for a significant period of time.

7.3.2. The site is zoned ‘F’ with the objective of preserving and providing for open space and ancillary active recreational amenities. Table 13.1.9 of the Development Plan

sets out that residential land use is not 'permitted in principle' or 'open to consideration' in this zoning. Notwithstanding this, I note that the PA planning report indicated that a residential dwelling was in existence on the site and in use in 1984.

- 7.3.3. Section 13.1.5 of the Development Plan states that uses which are not indicated as being 'permitted in principle' or 'open for consideration' will not be permitted and Section 13.1.7 which relates to non-conforming uses state that uses which do not conform with the zoning objective for the area shall not be subject to proceedings under the Act in respect of continuing use if they were legally established (the appointed day being 1 October 1964) or were in existence longer than 7 years. That when extensions to, or improvements of, premises accommodating such uses are proposed, each shall be considered on their merits, and permission may be granted where the proposed development does not adversely affect the amenities of premises in the vicinity and does not prejudice the proper planning and sustainable development of the area. On the basis of information supplied by the applicant, there is no evidence to support that there was a habitable dwelling on site longer than 7 years, prior to the works being carried out on site.
- 7.3.4. Having regards to the above and in particular, the lack of clarity that a habitable dwelling has been on site longer than 7 years, I consider that the development being sought would not be consistent with the zoning of the area and the principle of a new residential development at this location is considered not to be acceptable.

#### 7.4. Flooding

- 7.4.1. I refer the Board to the previous case ABP 314055-22 and I note that the issues raised regarding flooding are still relevant to this appeal. The Section 28 Planning System and Flood Risk Management Guidelines document is still valid and there has been no policy change in the Dun Laoghaire Rathdown Development Plan 2022-2028 regarding flooding since the last determination.
- 7.4.2. The PA refused permission because the site is within Flood Zone A of the Office of Public Works (OPW) Catchment Flood Risk Assessment and Management (CFRAMS) flood maps. The First Party appeal argues that the development relates to extension works and that it meets the criteria for development involving small extensions in the Planning System and Flood Risk Management Guidelines. As stated in the assessment above, I consider the development to be a new habitable

dwelling and not an extension to an existing dwelling and as such represents a highly vulnerable development as set out in Table 3.1 of the Planning System and Flood Risk Management Guidelines as well as Section 5.2, Appendix 15 of the Dun Laoghaire Rathdown County Development Plan 2022-2028.

- 7.4.3. Appendix 15 of the Development Plan reflect recommendations and procedures contained in the Planning System and Flood Risk Management Guidelines. Section 5.2.2 of Appendix 15 states that it is not appropriate for a new dwelling house to be located in Flood Zone A other than in those areas deemed to have passed the Development Plan Justification Test. Section 6 of Appendix 15 relates to the application of Justification Test and under Section 6.2.10 which applies to the site, flood defence walls were erected to provide a 1 in 50 year standard of protection, which is stated to be below the required standard of protection for Flood Zone A so it is assumed that the lands are undefended. This section also stated that within the Flood Relief Scheme study area, Part 1 and 2 of the Justification Test for Development Plans have been passed, but the CFRAM Study outputs indicate possible flood depths up to 2m and therefore Part 3 cannot be passed at present. Until a Flood Relief Scheme to the 1.0% AEP event standard is complete, any development in Flood Zone A is not permitted. As the site has not passed the Justification Test, I consider that the development would contravene the provisions of the Development Plan.
- 7.4.4. The First Party appeal submitted a Drainage and flood risk assessment report. I note that the flooding and strategic flood risk assessment section of the report to have been prepared on the basis that the works being sought are a minor development in Flood Zone B. Section 5.5.1 of Appendix 15 requires that highly vulnerable developments in Flood Zone A must have passed the Justification Test for Development Plans, the Justification Test for Development Management and submit a Site Specific Flood Risk Assessment in accordance with the Planning System and Flood Risk Management Guidelines. The Justification Test for Development Plans cannot be passed for the reasons in 7.4.2 above and the applicant did not submit a Site-Specific Flood Risk Assessment and a Justification Test for development management. it therefore of concern that the development being sought, which is a new dwelling house has not been fully assessed in terms the risk to flooding in the area.



7.4.5. The only access to the site is through a bridge over Loughlinstown River and there is a flood protection gate at this location. There appears to be a dispute for its use by the applicant and the Local Authority. It is not clear from the documentation supplied, how this flooding infrastructure would be deployed during adverse weather events. There is a flood defence wall along Commons Road and the area around the bridge is the weak point of the flood defence as a consequence of the bridge being used as the access point for the dwelling. It is of concern how the flood gate will provide access and egress to the occupants of the dwelling during any emergency caused by adverse weather events and at the same time protect the properties on the opposite side of the Commons Road.

7.4.6. Having regard to the above, the Board's reason for refusal under ABP 314055 remains valid and I recommend that the Board refuse permission for this application. I consider that the development would contravene the Strategic Flood Risk Assessment (SFRA) set out in Appendix 15 of the Dun Laoghaire Rathdown County Development Plan 2022-2028.

#### 7.5. Impact on Loughlinstown Wood pNHA

7.5.1. The site is within the proposed Loughlinstown Wood Natural Heritage Area and it is the objective of Dun Laoghaire-Rathdown County Council to protect and conserve the natural heritage of the County (Objective GIB18). I would consider the site to be brownfield in nature with surrounding woodlands. I would be concerned that the works proposed on site has the potential to impact on the habitat population in this heritage area. The applicant has not provided any report to examine the potential impact of the development to the area. The Development Plan under Section 12.1.2.3 requires that an Ecological Impact Assessment be provided for any development that has the potential to impact upon environmental sensitive areas. I refer the Board to the report received from National Parks and Wildlife service (NPWS) which states that there is potential impact on roosting/foraging bats listed under the Annex IV of the EU Habitats Directive. The report offered mitigation measures if the Board is minded to grant permission for the development.

## 7.6. Other Matters – Residential amenity and Visual Impact

- 7.6.1. While issues relating to residential amenity and visual impact of the development did not form part of the grounds for appeal, I refer the Board to the previous case ABP 314055-22 and I note the inspector's report on these matters.
- 7.6.2. Residential Amenity
- 7.6.3. The development is a five bedroom dwelling and I note that the inspector's report concluded that the dwelling house does not provide a satisfactory standard of residential amenity on the basis of its private open space provision failing to accord with the Development Plan standards. Referenced is made to Section 12.8.3.3 of the Plan that states "All houses (terraced, semi-detached, detached) shall provide an area of good quality usable private open space behind the front building ". The development does not have sufficient open space behind the front building.
- 7.6.4. Notwithstanding the above, I would also refer the Board to Section 12.8.3.3 that requires "any provision of open space to the side of dwellings will only be considered as part of the overall private open space calculation where it is useable, good quality space". The site is irregular in nature and delineated by Loughlinstown Wood with Loughlinstown River to its front. The dwelling is placed approximately where "Roseville Cottage" was formerly located. Also of note is that there is a private access leading onto the site. I am of the opinion that the site in a private setting and therefore the open space to west side of the house can be used as private open space. This open space to the side of the dwelling is in excess of 75 sq.m and consistent with Table 12.10 of the Development Plan. I therefore consider that the open space to the west side of the property is appropriately sized to afford the dwelling a quality space. I note that the applicant is proposing to provide future landscaping in this area of the site.
- 7.6.5. Visual Amenity
- 7.6.6. I again refer the Board to the previous inspector's report and note that concerns regarding the scale and bulk of the rear two storey extension were articulated. The inspector stated that the two storey structure eroded the sylvan appearance of the Loughlinstown Wood pNHA when viewed from the public domain. The report also considered the roof open space over the single storey extension to be out of character with the pattern of development in its setting. The inspector concluded that

the two storey built form with the design and bulk of the roof structure over is at odds with its setting in a manner that is seriously injurious to the visual amenities of the area. The inspector recommended on refusal on the basis of visual amenity.

7.6.7. While a refusal was recommended by the inspector, I note that the reasons for refusal in the Board's determination did not include one on visual amenity. In this regard, I note that the applicant is now proposing to demolish the two storey structure and replace it with a reduced height pitched roof. It is also the intention of the applicant to demolish the flat roof and garden to the ground floor extension and replace with a pitched roof. The proposed pitched roof profile will present the dwelling to have a maximum height of approximately 6m at ridge level. I consider that the design and scale is in keeping with the pattern of development in the area. Therefore, I am satisfied that the dwelling will not lead to any significant impact on visual amenity.

7.6.8. In conclusion, I consider that the works proposed to be a highly vulnerable development within Flood Zone A that has not passed the Justification Test. The development therefore, would not accord with the provisions of the Dun Laoghaire-Rathdown County Development Plan 2022-2028. Accordingly, would be contrary to the proper planning and sustainable development of the area.

## **8.0 AA Screening**

8.1. Having regard to the nature and scale of the development, the receiving environment, the separation distances, and the absence of any pathway to European sites, it can be concluded that the proposed development, alone or in-combination with other plans or projects, would not give rise to any significant effects on any European site. As such, there is no requirement for a Natura Impact Statement in this case.

## **9.0 Recommendation**

9.1. It is recommended that permission be refused for the reason set out below

## 10.0 Reasons and Considerations

In the absence of a Site-Specific Flood Risk Assessment and a Justification Test for development management, in accordance with the provisions of the Planning System and Flood Risk Management – Guidelines for Planning Authorities (November 2009), the Board is not satisfied that the development proposed to be retained would not increase flood risk elsewhere or that the development proposed to be retained includes measures to minimise flood risk to people, property and the environment. The development proposed to be retained would, therefore, be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Oluwatosin Kehinde  
Senior Planning Inspector

10<sup>th</sup> January 2025

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	320880-24		
<b>Proposed Development Summary</b>	Retention and permission to alter a part dormer dwelling		
<b>Development Address</b>	Roseville Cottage, 60 Commons Road, Dublin 18, D18 NXR6		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	
		<b>No</b>	
		<b>X</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
Yes			
No	X		
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
Yes			
No			
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			

Yes			
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5. Has Schedule 7A information been submitted?		
No		Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: Oluwatosin Kehinde      Date: 10<sup>th</sup> January 2025